DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed May 28, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni et al (US 2001/0018345 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181) and further in view of Vialen et al (US Pat. No. 6535979).

Referring to claims 1 and 6, Longoni discloses a method and a user equipment for performing a cell update during a reconfiguration procedure in a user equipment, the user equipment for use in a communications system (abstract, "performing a cell update procedure"), the method comprising:

receiving a reconfiguration command including an activation time at which a reconfiguration is to be applied (paragraph 3 and 4, 9, "MS routing information message", "Cell Update Request Message", note that the reconfiguration process inherently includes an activation time),

and detecting a trigger event which indicates that a cell update is required (paragraph 3, "In a 'cell update' mode . . . MS in RACH/FACH . . . mode enters a new cell", note that the movement of the MS from one cell coverage area to another triggers a cell update event).

Longoni does not specifically disclose delaying initiation of the cell update until the reconfiguration has been applied.

Examiner notes that delaying initiation of the cell update until the reconfiguration has been applied is a well known cell update process in 3GPP system as TSGR#2(99)181 discloses this concept (page 1-4, particularly page 3, "The cell update procedure is used by the UE to inform the UTRAN that the UE has switched to a new cell. The procedure is a forward handover procedure . . . the procedure is triggered after change of cell and after the UE has read information broadcasted by UTRAN").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method and user equipment of Longoni as claimed by applicant by incorporating the teachings of TSGR#2(99)181, and consequently providing delaying initiation of the cell update until the reconfiguration has been applied, for the purpose of providing an efficient cell-selection procedure.

The combination of Longoni/TSGR#2(99)181 does not specifically disclose that the configuration command is received from the communication system.

Vialen discloses that a communication system sends a reconfiguration command (Figures 4 and 7 and col. 11, lines 23-40, “In step 700 the network sends ... a bearer reconfiguration request").

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the combination as claimed, for the purpose of controlling reconfiguration from the network level and thus providing an efficient reconfiguration updating system.

Referring to claims 3 and 8, claims 3 and 8 define a method of handling a cell update and a user equipment for handling a cell update reciting features analogous to the features of claims 1 and 6 (as rejected above). Thus, the combinations of Longoni/TSGR#2(99)181/Vialen discloses all elements of claims 3 and 8 (please see the rejection of claim 1 above).

Referring to claims 4 and 9, the combinations of ongoni/TSGR#2(99)181/Vialen disclose methods according to claims 1 and 3, and further disclose user equipment configured to communicate with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration (Longoni, paragraph 3, and TSGR#2(99)181 pages 1-3, note that suppressing the cell update is the delaying process which delays the initiation of the cell update until the reconfiguration has applied, as rejected in claim 1 above (please rejection of claim 1).

Referring to claim 7, the combinations of Longoni/TSGR#2(99)181/Vialen disclose a user equipment according to claim 6, and further disclose a timer arranged to cooperate with the controller for delaying initiation of the cell update (TSGR#2(99)181, pages 1-3).

4. Claims 2, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni et al (US 2001/0018345 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181), further in view of Vialen et al (US Pat. No. 6535979), and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 2, the combinations of Longoni/TSGR#2(99)181/Vialen disclose the method according to claim 1, and further disclose the activation time has the value 'Now', the method including applying the reconfiguration as soon as the user equipment is able to do so.

The combinations do not specifically disclose activation time has the value 'Now', applying the reconfiguration as soon as the user equipment is able to do so.

The examiner takes official notice of the fact that activating a cellular equipment as soon as possible after a cell-updating is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combinations by incorporating the well known concepts of prior art for the purpose of providing a better service to cell phone users.

Referring to claims 5 and 10, the combinations of Longoni/TSGR#2(99)181/Vialen discloses a method according to claims 4 and 9.

The combinations do not specifically disclose suppressing the cell update when the trigger event comprises a radio link failure.

The examiner takes official notice of the fact that suppressing or disabling a cell update during movement of a cellular phone from a current cell to an adjacent cell is well-known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the methods of claims 4 and 9 by incorporating the concepts of prior art for the purpose of preventing packet loss during the link failure.

Response to Arguments

5. Applicant's arguments filed on May 28, 2008 have been fully considered but moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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